

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

SEP 12 2022

U.S. DISTRICT COURT WVND  
CLARKSBURG, WV 26301

Felix Brizuela D.O.  
1103 Red Oak Drive  
Harrison City, PA 15636  
724-205-4308

Plaintiff,

COMPLAINT

CIVIL ACTION NO. 1:22-cv-90

WPIX Pittsburgh  
4145 Evergreen Road  
Pittsburgh, PA 15214

Defendant(s)

Paragraph 1: Jurisdiction

*Northern District of WV (where ~~data~~ Plaintiff convicted)*

Paragraph 2, etc.: Short and plain statement of the claim showing that the pleader is entitled to relief. *Published story which was not actual without fact checking. Refused to speak to plaintiff. Resulting poor social standing in region leading to inability to secure employment + loss of millions in potential earnings*

Final paragraph: Demand for judgment for the relief to which the party deems himself entitled.

*\$10,000,000*

*[Signature]*  
Plaintiff, Pro Se

Date

9/4/2022

NOTE: This form is ONLY A GUIDE; do NOT fill it in. Use a plain sheet of 8 1/2 x 11 inch paper and set up your complaint in this format. In Paragraph 1, state the reason that you believe the Federal Court has jurisdiction of the matter about which you are filing your complaint. In paragraph 2, state the problem or the thing about which you are complaining and why you think you are entitled to relief or redress. In the last paragraph, state the amount of damages or the kind of relief to which you think you are entitled. Please type or legibly hand write your complaint. Do not use a pencil to hand write your complaint. DOUBLE-SPACE your complaint, and submit the original and two copies to the Clerk of Court, plus one additional copy for each defendant to be served.

Felix Brizuela D.O.

1103 Red Oak Drive

Harrison city, PA 15636

Plaintiff

vs.

WPXI Pittsburgh

4145 Evergreen Road

Pittsburgh, PA 15214

Defendant

September 4, 2022

I was indicted, then convicted and sentenced to 48 months in prison in 2019. After 7 months in prison, my conviction was unanimously overturned by the fourth appellate U. S. Circuit. (<https://www.ca4.uscourts.gov/opinions/194656.P.pdf>). At a magistrate hearing after my release, I was assigned a public defender. This gentleman appeared very shady. I asked the judge if I could have another defender, she responded that he was very competent, and he will do you well. This did not make any sense. I was accused of diverting drugs and prescribing for no legitimate medical reason. I am a neurologist of 27 years at the time, with a stellar records, including no lawsuits up to then which is very rare with our very lentiginous environment. I was only sued AFTER I was convicted. I am now suing the law group that sued me for fraud. They kicked me when I was down. This public defender convinced me, or I should say coerced me

into taking a plea deal for one charge, and time served. I had no choice. I had no money. Some months later, Physicians Against Abuse contacted him, and the public defender not only admitted that he did not review discovery, but he signed an affidavit admitting to this. He told Physicians Against Abuse that he was being investigated by the attorney general's office. I have filed suit against him for ineffective counsel. I have also filed suit against my original attorney.

Immediately after my indictment, multiple local media, including WPXI <https://www.wpxi.com/news/top-stories/pennsylvania-doctor-convicted-of-illegal-opioid-distribution/911525740/>

Pittsburgh and media around the country as far as Arizona instantly published stories calling me a drug dealer and that I faced life in prison. Not only did none of these media reach out to me for comment, I called and they would not return my call. Including WPXI. I emailed the editor in one media, and all they published was a brief statement that I said this, but I was convicted of that. I contacted WPXI once released and told them my story. Again, they blew me off.

There never was a prescription opiate crisis. Oxycontin was never abused. In the 90's, I called a source in the state of Pennsylvania, whose name I wish I would have kept who admitted that there was no abuse, it was all about the cost. He said that this was spear headed by the health insurance industry. Recently four judges, including one in West Virginia have turned down lawsuits against pharmaceutical companies manufacturing prescription opiates stating that the evidence was just not there. Recently, a lawsuit was won against a pharmacy chain in Pittsburgh who claimed they helped fuel the opiate crisis. I was so furious I didn't want to hear from my wife or my only son, who has autism for a week! This despite these federal judges stating otherwise. No respect. We are a lawless country with no

respect for authority. As far as our leadership is concerned, the constitution is dead. The HFPP (Healthcare Fraud and Prevention Program) alone broke four constitutional amendments. Including the fourth that prohibits illegal search and seizure. The HFPP and the PMP (patient monitoring program) both use illegal search of patients and doctor's records without their consent. If patient has terminal cancer and their doctor is prescribing prescription opiates for pain relief, the doctor is singled out and sent to prison. Prescription opiates accounted for less than 1% of abused opiates, and only 20% of those were from doctors. The DEA and the CDC purposely linked acetyl fentanyl (illegal street fentanyl manufactured in China) with prescription fentanyl to link the illegal fentanyl crisis to doctors. Prescription fentanyl was never abused. They fabricated it. This was spear headed by the health insurance industry, led by blue cross blue shield, to get rid of doctors to increase health insurance profits. The less doctors they pay, the more they get to keep from your premiums. To say that doctors are still responsible because they should have known the drugs would be diverted is absurd! When you prescribe any medication in good faith and it is misused, the error, no matter what the consequences fall in the hands of the patient. if someone dies because of a bartender or store owner selling liquor to a person that drove drunk and killed a person, should the bartender go to jail? I understand there have been some bar owners who have gotten in trouble, but most get off once there is a legitimate alibi. But if a doctor gives someone with cancer and chronic pain a prescription opiate and the person divert it or kills themselves, the doctor will end up in prison regardless of the good faith argument. Even if the doctor has a good alibi. I am pretty sure the press and media have a gag order. Not the public's problem. Edward R. Morrow would have taken the dive.

I want to direct you to the HFPP, the Health Fraud and Protection Program. They tell the public that it is designed to single out doctors that kill patients with opiates and single out doctors who money launder. This was an entity that was ordered by Donald Trump and spear headed by Jeff Sessions. It uses a data collection company known as Qlarant that specializes in surveillance and analyzing non-medical data. They then use various data collection and evaluating instruments that are non-medical. The FDA has condoned this and refused to give this data collection instrument FDA approval. This includes anything relating to doctors prescribing opiates, to successful doctors who make a lot of money but work very hard. They then send this data to health insurance companies; most go to blue cross blue shield. The insurance company sends the data to the DEA, DOJ, and FBI for criminal prosecution of the doctor. One Indian doctor who was singled out, or as we say, "dinged" was accused of defrauding Medicare out of about \$40,000. It turns out that none of the patients they accused her of were hers. Her attorney proved this, but they sentenced her to about 40 months in federal prison anyway. She left very young children behind and her sick mother who she was caring for. To make matters worse they dinged her husband and sent him to prison just because he worked with her. I will give you her name if you would like. You can confirm this.

The HFPP alleges that it is designed to lower what is considered fraud and abuse to secure a prosecution against the doctors. Like in my case, lawyers do just enough to make it seem like they are helping you like happened in my case. They collude with the court, and ultimately prevent an impartial jury. My attorney would not present clinical diagnosis such as cancer that would have justified what we do, which SCOTUS referred to in their recent Ruan vs. USA decision as good faith. Defense lawyers collude with the courts and assure that there is not an

impartial jury. The jury hears “the doctor prescribed prescription opiates. Prescription opiates always lead to abuse”. Not true. The propensity towards substance abuse is genetic. Less than 10% of the populations carries the gene for substance abuse. most patients who receive prescription opiates take it as directed. Yes, if someone is on opiates long term and they stop, they withdraw, and their pain intensifies. No different than someone going into hypertensive crisis if they stop their blood pressure medicine, or a sudden rise in blood sure that can result in death if they stop their diabetes medication. Opiate abuse, which falls under the umbrella of substance abuse, is defined as

**“The use of illegal drugs or the use of prescription or over-the-counter drugs or alcohol for purposes other than those for which they are meant to be used, or in excessive amounts.**

Substance abuse may lead to social, physical, emotional, and job-related problems “

I prescribed to individuals with lupus, severe neuropathy cancer and other diseases accompanied by chronic pain. If you would have fact checked, you would have known this. Therefore the 4<sup>th</sup> appellate circuit reversed my conviction. If a doctor gives a prescription opiate to a patient with chronic pain with underlying pathology that causes chronic pain, such as neuropathy and the patient uses for other reasons, the patient is responsible because the doctor gave this to the patient in good faith. As SCOTUS Stated in Ruan vs. USA recently and Linder vs. USA in 1925.

Four supreme court justices in Ruan vs. USA compared treating patients with prescription opiates to treating hypertension or diabetes. They, as did the 1925 SCOTUS Linder vs. USA case, stated that the government nor any other government entities have authority to come between doctors and patients. If someone dies due to a doctor's actions, this is a state medical board disciplinary case. Justice Thomas accused the government and boards of criminalizing regulation. There has been a 475% increase in suicides since the introduction of the HFPP in 2016

and there has been a biblical rise in overdose deaths due to acetyl fentanyl, which is street fentanyl and heroin only. Doctors are afraid of prosecution, so they will not write for prescription opiates, so people reach for the streets. Twenty percent of ALL suicides are now due to patients not getting proper pain relief. Substance abuse and overdose deaths have risen 1040% since the introduction of the HFPP in 2016. 97% were acetyl fentanyl related. The rest was heroin. Doctors literally stopped prescribing prescription opiates since 2016 due to fear of prosecution. So many of these legitimate chronic pain patients reached for the streets and many died of fentanyl or heroin overdose. What baffles me is that the DEA, FBI and DOJ are doing very little about street fentanyl despite the overdose deaths and abuse despite there being an exponential rise yearly since 2016. My wife suffers from chronic pain. Since she had neck surgery, her pain has intensified. She cannot get Nucynta, which is not a classic opiate, no overdose or addiction risk. They scheduled 2 it because it was expensive. I am sure you are saying we know nothing about this. We can talk about this during trial. If you don't understand what is going on, you should not violate people's civil rights. Am I correct? The fact that you are a TV station does not impress me. On the contrary, you should due your duty, which you are breaching. My brother-in-law was a camera man for television. He died of bladder cancer after he was exposed to toxins in 911. He did not live to see what you did to me. Television would have been all over you.

WPXI is guilty of posting information that completely ruined my social standing. Without fact checking. A rule that the media, despite their first amendment rights MUST FOLLOW. Otherwise, they face civil lawsuit. My home is due for sheriffs' sale on September 6, 2022, and all my cars have been repossessed. WPXI's actions along with all others involved in this smear campaign have permanently ruined my ability to



make a living. Despite my conviction being overturned, The PA medical board will not renew my license. They are being sued as well.

WPXI is guilty of violating my civil rights by publishing false information without fact checking. They refused to talk to me and do the proper fact checking as the media and press have an obligation to do. No one ever sat me down to hear my version, which exonerated me from being an opiate distributor. Even at the time I was indicted, they still had an obligation to fact check.

The statutes of limitation for violation of civil rights are five years. I was found innocent and released from prison on June 20, 2022, and that is when the clock started. I would let your counsel know that I am aware that the covid act lengthened all court proceedings by 150 days. So, if there were 2-year statutes of limitations, I would have until October 2022.

WPXI Pittsburgh is guilty of unlawfully labeling me, the plaintiff as a drug distributor without fact checking causing harm to my family and myself including loss of social standing, which has caused pain and suffering to my family including my only son who is autistic, and myself. WPXI contributed to my inability to have gainful employment in the region due to bad publicity. A violation of my civil right to make a living. This resulted in the repossession of my cars, and my home is up for sheriffs' sale on September 6, 2022. My family and myself have lost wages in the millions, including future wages due to the bad publicity they unlawfully published without fact checking and giving me the right to respond.

This is not just a case of defamation of character of libel. There was permanent damage done to my family and myself and thus is a civil rights violation (title IX of the Civil rights act of 1964). Also, I suffered a heart attack suffered permanent heart failure due the stress in 2019.



Similar event in 2008 when I was being sham reviewed by a hospital. I have no history of heart disease in my immediate family, no history of high cholesterol or diabetes. No history of high blood pressure recorded before either heart attack. Stress is known to be a major cause of heart disease since stress induces cortisol release, which leads to inflammation which leads to plaques in arteries.

<https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeId=1&ContentID=2171#:~:text=Studies%20suggest%20that%20the%20high,plaque%20deposits%20in%20the%20arteries>

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Brizuela', with a long horizontal flourish extending to the right.

Felix Brizuela D.O.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Felix Brizuela D.O.  
1103 Renook Drive  
Harrison City, PA 15436  
724-285-4308  
Plaintiff,

v.

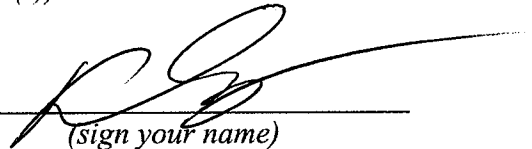
Wpx7 Pittsburgh  
4445 Evergreen Road  
Pittsburgh, PA 15214  
Defendant(s)

Civil Action No.: 1:22-cv-90

Certificate of Service

Felix Brizuela  
I, (your name here), appearing pro se, hereby certify that I have served the foregoing (title  
Federal law suit  
of document being sent) upon the defendant(s) by depositing true copies of the same in the United  
States mail, postage prepaid, upon the following counsel of record for the defendant(s) on (insert  
date here): 9/8/2020

(List name and address of counsel for defendant(s))

  
(sign your name)